

HOUSE BILL NO. 81

INTRODUCED BY V. JACKSON

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PERSON CONVICTED OF THE OFFENSE OF THEFT OF A FIREARM SHALL BE FINED AN AMOUNT NOT TO EXCEED \$50,000 OR BE IMPRISONED IN A STATE PRISON FOR A TERM NOT TO EXCEED 5 YEARS, OR BOTH; AND AMENDING SECTION 45-6-301, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-6-301, MCA, is amended to read:

"45-6-301. Theft. (1) A person commits the offense of theft when the person purposely or knowingly obtains or exerts unauthorized control over property of the owner and:

- (a) has the purpose of depriving the owner of the property;
- (b) purposely or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or
- (c) uses, conceals, or abandons the property knowing that the use, concealment, or abandonment probably will deprive the owner of the property.

(2) A person commits the offense of theft when the person purposely or knowingly obtains by threat or deception control over property of the owner and:

- (a) has the purpose of depriving the owner of the property;
- (b) purposely or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or
- (c) uses, conceals, or abandons the property knowing that the use, concealment, or abandonment probably will deprive the owner of the property.

(3) A person commits the offense of theft when the person purposely or knowingly obtains control over stolen property knowing the property to have been stolen by another and:

- (a) has the purpose of depriving the owner of the property;
- (b) purposely or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or



1 (c) uses, conceals, or abandons the property knowing that the use, concealment, or abandonment
2 probably will deprive the owner of the property.

3 (4) A person commits the offense of theft when the person purposely or knowingly obtains or exerts
4 unauthorized control over any part of any public assistance provided under Title 52 or 53 by a state or county
5 agency, regardless of the original source of assistance, by means of:

6 (a) a knowingly false statement, representation, or impersonation; or

7 (b) a fraudulent scheme or device.

8 (5) A person commits the offense of theft when the person purposely or knowingly obtains or exerts or
9 helps another obtain or exert unauthorized control over any part of any benefits provided under Title 39, chapter
10 71 or 72, by means of:

11 (a) a knowingly false statement, representation, or impersonation; or

12 (b) deception or other fraudulent action.

13 (6) A person commits the offense of theft when the person purposely or knowingly commits insurance
14 fraud as provided in 33-1-1202 or 33-1-1302.

15 (7) A person commits the offense of theft of property by embezzlement when, with the purpose to
16 deprive the owner of the property, the person:

17 (a) purposely or knowingly obtains or exerts unauthorized control over property of the person's employer
18 or over property entrusted to the person; or

19 (b) purposely or knowingly obtains by deception control over property of the person's employer or over
20 property entrusted to the person.

21 (8) (a) ~~Except as provided in subsection (8)(d),~~ a person convicted of the offense of theft of property
22 not exceeding \$1,000 in value shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail
23 for a term not to exceed 6 months, or both. A person convicted of a second offense shall be fined \$1,000 or be
24 imprisoned in the county jail for a term not to exceed 6 months, or both. A person convicted of a third or
25 subsequent offense shall be fined \$1,000 and be imprisoned in the county jail for a term of not less than 30 days
26 or more than 6 months.

27 (b) Except as provided in ~~subsection~~ subsections (8)(c) and (8)(d), a person convicted of the offense
28 of theft of property exceeding \$1,000 in value or theft of any commonly domesticated hoofed animal shall be
29 fined an amount not to exceed \$50,000 or be imprisoned in a state prison for a term not to exceed 10 years, or
30 both.

